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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,476	04/04/2005	Christian Quellet	102790-176 (ANP)	4098
27389 7590 04/19/2007 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER DOUYON, LORNA M	
			ART UNIT 1751	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/502,476	QUELLET ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lorna M. Douyon	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/23/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Claim Objections***

1. Claims 5, 6, 7, 10 and 17 are objected to because of the following informalities:

a) in claim 5, line 2, "selected of the group of" should be rewritten as "selected from the group consisting of";

b) in claim 6, "the acidic" in line 2 should be replaced with "the acid" to be consistent with claim 1. In addition, in line 2, "selected of the group of" should be rewritten as "selected from the group consisting of";

c) in claim 7, "the acidic" in line 1 should be replaced with "the acid" to be consistent with claim 1;

d) in claim 10, "the acidic" in line 2 should be replaced with "the acid" to be consistent with claim 1;

e) in claim 17, "fluidizing" in line 3 and "fluidized" in line 4 are misspelled.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9-10, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Inamorato (US Patent No. 4,252,664).

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Inamorato teaches granular detergent compositions suitable for use in clothes-washing machines (see col. 1, lines 10-13) comprising (1) primary granules of one composition (e.g. spray-dried built detergent) and (2) effervescent granules containing a binder, an acid, a carbonate reactive with the acid (see abstract), wherein the size of the effervescent granules are in the range of about 0.2 to 3 mm (see col. 4, lines 42-43). Among the materials which may be used as binders include polyalkylene glycols (e.g. polyethylene glycols), see col. 1, lines 28-39. In Example 5, Inamorato teaches an effervescent granule comprising 11 wt%  $\text{NaHCO}_3$  (the effervescent material), 10 wt%  $\text{KH}_2\text{PO}_4$  (the acid substance) and 5 wt% polyethylene glycol (the binder), which is Carbowax 1540, a normally solid water-soluble product whose molecular weight is about 1500 and whose melting point range is about  $37^\circ\text{-}43^\circ\text{C}$ , and the product was forced through a #10 U.S. Standard screen (equivalent to 2.00mm) (see col. 10, lines 11-39). Inamorato teaches the limitations of the instant claims. Hence, Inamorato anticipates the claims.

4. Claims 1, 4-12, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gergely (US Patent No. 4,417,993).

Gergely teaches a tablet for tooth prostheses which was prepared by mixing 10 parts by weight sodium bicarbonate, 5 parts by weight sulfamic acid, 10 parts citric acid and 2 to 4 parts by weight cetyl ammonium bromide (which reads on both the binder and detergent) and pressing into tablets (see Example 4, col. 6, lines 49-60). Prior to

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pressing into the tablet, the mixture reads on granulated composition, hence, Gergely anticipates the claims.

5. Claims 1-6, 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dovey et al. (GB 2,344,597), hereinafter "Dovey".

Dovey teaches an effervescence composition which comprises an acid source and a carbon dioxide source, and is preferably in the form of a granule, and is in particular useful in solid detergent compositions (see abstract). The composition is found applicable in various fields, e.g., in detergent compositions like laundry detergent compositions, soaking detergent compositions, dish washing compositions or any other compositions for household applications, in pharmaceutical preparations, dental preparations, food and the like (see page 1, lines 10-16). The effervescence granule has a weight average particle size from 500 microns to 1500 microns (0.5 to 1.5 mm), whereby preferably at least 70% or even at least 80% by weight of said granule has a particle size from 350 to 2000 microns (see page 9, line 24 to page 10, line 1). The effervescence granules may optionally comprise a binder having a melting point above 40°C (see page 10, lines 27-30), for example, polyethylene glycols with an average weight of from 600 to 10,000 (see page 11, lines 11-12). It may be preferred that the granule comprises other ingredients such as detergent actives preferably surfactants and perfumes (see page 11, line 27 to page 12, line 2). In Example II, Dovey teaches effervescence granules comprising 40 wt% citric acid, 20 wt% sodium bicarbonate, 10 wt% LAS (sodium linear C11-13 alkyl benzene sulfonate; see page 59, line 6), and 10

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wt% PEG 4000 (see Table on pages 64-65). Dovey teaches the limitations of the instant claims. Hence Dovey anticipates the claims.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inamorato as applied to the above claims.

Inamorato teaches the features as described above. In addition, the suitable acids not only include inorganic acids like alkali metal acid phosphates but also organic

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acids such as citric or oxalic acids (see col. 1, lines 60-65). Inamorato, however, fails to specifically disclose an effervescent granules wherein the acid combined with the sodium bicarbonate and polyethylene glycol is citric or oxalic acid.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute  $\text{KH}_2\text{PO}_4$  with citric acid or oxalic acid because the substitution or art recognized equivalents as shown by Inamorato is within the level of ordinary skill in the art.

9. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dovey as applied to the above claims, and further in view of Dawson et al. (US Patent No. 6,136,768), hereinafter "Dawson".

Dovey teaches the features as described above. Dovey, however, fails to disclose the combination of citric acid with sulfamic acid and their respective proportions.

Dawson, an analogous art, teaches a similar effervescence system wherein one or more acids can be used such as citric acid and sulfamic acid (see col. 3, line 63 to col. 4, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate sulfamic acid with the acid of Dovey in their optimum proportions because it is known from Dawson that one or more acids may be used in combination with the alkali metal carbonate to form an effervescent system.

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10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dovey as applied to the above claims, and further in view of Brouwer et al. (US Patent No. 5,714,451), hereinafter "Brouwer".

Dovey teaches the features as described above. In addition, Dovey teaches a process for manufacturing the effervescence composition by a granulation step, preferably comprising a compaction and/or an agglomeration step (see page 4, lines 6-12). Dovey, however, fails to disclose a method of making the effervescence composition in a fluidized bed.

Brouwer, an analogous art, teaches that mixing can be preformed in drum agglomerators, fluidized beds, pan agglomerators and high shear mixers (see col. 17, lines 49-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared the effervescence composition of Dovey in a fluidized bed because it is known from Brouwer that agglomeration is performed in a fluidized bed.

### ***Conclusion***

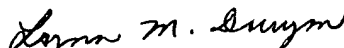
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lorna M. Douyon  
Primary Examiner  
Art Unit 1751